

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE: COOK MEDICAL, INC, IVC FILTERS
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

Case No. 1:14-ml-2570-RLY-TAB
MDL No. 2570

This Document Relates to Plaintiff(s):

Gloria Roman, as Executor of the Estate of David
Davis, Deceased

Civil Case # 1:20-cv-06186-RLY-TAB

THIRD AMENDED SHORT FORM COMPLAINT

COMES NOW the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The Master Complaint in MDL No. 2570 by reference (Document 213). Plaintiff(s) further show the court as follows:

1. Plaintiff/Deceased Party:

David Davis (Deceased)

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

Gloria Roman, as Executor of the Estate of David Davis, Deceased

4. Plaintiff's/Deceased Party's state of residence at the time of implant:

Lousiana

5. Plaintiff's/Deceased Party's state of residence at the time of injury:

Mississippi

6. Plaintiff's/Deceased Party's current state of residence:

Texas

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court, Southern District of Mississippi, Southern Division

8. Defendants (Check Defendants against whom Complaint is made):

- ☒ Cook Incorporated
☒ Cook Medical LLC
☒ William Cook Europe ApS

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

- a. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

For purposes of remand and trial, venue is proper pursuant to 28 U.S.C. §1391 in the federal judicial district of each Plaintiff's state of residence. A substantial amount of activity giving rise to the claims occurred in this District, and Defendants may be found within this District. Therefore, venue is proper in this jurisdiction under 28 U.S.C. §1391.

- b. Other allegations of jurisdiction and venue:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim

(Check applicable Inferior Vena Cava Filters):

- ☐ Günther Tulip® Vena Cava Filter
 - ☒ Cook Celect® Vena Cava Filter
 - ☐ Gunther Tulip Mreye
 - ☐ Cook Celect Platinum
 - ☐ Other:
-

11. Date of Implantation as to each product:

07/08/2009

12. Hospital(s) where Plaintiff was implanted (including City and State):

Ochsner Medical Center

New Orleans, Louisiana

13. Implanting Physician(s):

Taletha Smith, M.D.

14. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Failure to Warn
- ☒ Count II: Strict Products Liability – Design Defect
- ☒ Count III: Negligence
- ☒ Count IV: Negligence Per Se

- ☒ Count V: Breach of Express Warranty
- ☒ Count VI: Breach of Implied Warranty
- ☒ Count VII: Violations of Applicable Mississippi (insert State)

Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

- ☐ Count VIII: Loss of Consortium
- ☐ Count IX: Wrongful Death
- ☐ Count X: Survival
- ☒ Count XI: Punitive Damages
- ☐ Other: _____

- ☒ Other: Fraudulent Concealment

(please state the facts supporting this Count in the space, immediately below)

Additional facts supporting Counts I, III, V, VI, VII, XI and Fraudulent

Concealment are included in Exhibit "A" which is incorporated by reference

herein.

15. Attorney(s) for Plaintiff(s):

Ben C. Martin

Thomas Wm. Arbon

16. Address and bar information for Attorney for Plaintiff(s):

3141 Hood Street, Suite 600, Dallas, TX 75219

Ben C. Martin, SBN: 13052400

Thomas Wm. Arbon, SBN: 01284275

RESPECTFULLY SUBMITTED this 13th day of August 2025 .

/s/ Ben C. Martin

Ben C. Martin, Esquire (TX Bar No. 13052400)

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